

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALFREDO HERNANDEZ,

Plaintiff,

v.

L. HOLLOWAY, et al.,

Defendants.

No. 2:22-cv-0964 SCR P

ORDER

Plaintiff is a former state prisoner proceeding pro se with a civil rights action under 42 U.S.C. §1983. In a notice filed June 6, 2023, plaintiff informed the court that he was then incarcerated at the Los Angeles County Jail. On July 26, 2024, defendants filed a motion for summary judgment. In a notice filed September 11, defendants informed the court that they reserved plaintiff with the motion on that date. (ECF No. 36.) Defendants' counsel noted that, prior to serving the motion, they confirmed that plaintiff remains at the Los Angeles County Jail.

Pursuant to the court's Discovery and Scheduling Order, defendants' motion for summary judgment shall be briefed in accordance with Local Rule 230(l). Rule 230(l) states that opposition to a motion must be filed "not more than twenty-one (21) days after the date of service of the motion." The rule further states that "[f]ailure . . . to file an opposition or a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions." More than twenty-one days have passed since defendants

1 re-served their motion and plaintiff has not filed a response or any other documents. Plaintiff will
2 be ordered to file a response to the motion and a statement explaining why he was not able to do
3 so in a timely manner. If plaintiff fails to file a response to the motion or fails to show good
4 cause for his failure to file it on time, this court will recommend this action be dismissed.

5 Accordingly, IT IS HEREBY ORDERED that within twenty-one (21) days of the date of
6 this order, plaintiff shall file the following:

- 7 1. A response to defendants' motion for summary judgment that complies with Federal
8 Rule of Civil Procedure 56 and Local Rule 260.
- 9 2. A response to this order explaining why plaintiff was unable to file a timely response
10 to defendants' motion for summary judgment.

11 DATED: October 31, 2024

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14 SEAN C. RIORDAN
15 UNITED STATES MAGISTRATE JUDGE
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